

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

KIMBERLY RUSSO

Plaintiff,

vs.

PUCKETT & REDFORD PLLC, a
Washington Professional Limited Liability
Corporation; RANDALL W. REDFORD AND
"JANE DOE" REDFORD, husband and wife;
and MICHAEL S. WALSH and "JANE DOE"
WALSH, husband and wife,

Defendants.

Case No.: 2:09-CV-00433-MJP

ORDER GRANTING JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT

The Court, having reviewed the Joint Motion and Memorandum for Preliminary
Approval of Class Settlement, hereby orders:

1. The class members included in this settlement and this matter may be joined and this action
maintained as a class action on behalf of the class described as:
 - a. All persons with addresses in the State of Washington who were sued
in a court of the State of Washington;

- b. from whom Defendants Puckett & Redford, PLLC, Michael S. Walsh, or Randall Redford demanded a process service fee based upon a service of process by a process server required to be registered by RCW 18.180 and RCW 4.84.010 and who was not so registered or deemed registered pursuant to RCW 18.180.040;
- c. in an attempt to collect a debt incurred for personal, family, or household purposes.
- d. The class period would be from one year prior to the filing of the lawsuit to the present.

2. The Class Settlement Agreement is fair to all members of the Settlement Class.
3. The benefits for the Class pursuant to the Settlement Agreement are appropriate.
4. The Class Settlement Agreement is approved.
5. Michael D. Kinkley, of Michael D. Kinkley, P.S. is appointed class counsel.
6. The Court finds that Plaintiff Kimberly Russo fairly and adequately represents the interest of the class, and is appointed class representative.
7. The Court finds that mailing of the Class Notice, attached to the Joint Memorandum, satisfies the requirements of due process and FRCP 23.
8. The Court approves notice to the class members by mailing by United States Postal Service first class mail to the last known or identified address and finds that such notice satisfies due process and is the best practicable notice under the circumstances.
9. The court will approve an award of reasonable attorney fees and costs of Michael D. Kinkley, P.S. and Scott Peterson in an amount to be determined at the final fairness hearing pursuant to 15 USC § 1692k(a)(3). The parties will attempt to reach an agreement regarding attorney fees and costs. The attorney fees and cost will be paid from the defendant and not from class funds.
10. Within fourteen (14) days after the entry of this Order, defendants will provide to the class counsel a list of class members containing the names, case number and court, last known

1 addresses and amount of unregistered process server fees claimed by the defendants in
2 state court, and the calendar week in which partial or full satisfaction of judgment if any
3 has been filed in a standard database format acceptable to First Class, Inc. (Hereinafter
4 designated the "Class Administrator").

5 11. Within fourteen (14) days after the Court's preliminary approval of the Settlement,
6 defendants will provide to the class counsel the class administrative fees of Ten Dollars
7 (\$10.00) per class member. This will be the limit of Defendants' contribution to class
8 administration expenses. Any additional charges shall be paid out of settlement residual
9 funds, cy pres funds, or otherwise by the class. Additional class administration expense
10 shall not be charged back to defendants in any fee or cost award made by the court.
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12 12. Notice will be mailed within twenty-one (21) days of the receipt of the class list by the
13 Class Administrator.

14 13. Class counsel will notify counsel for defendants of elections to opt out of the class as class
15 counsel receives notice of same. Defendants in their sole discretion may elect to terminate
16 this Agreement if 5% or more individual Class Members opt out; in such a situation,
17 Defendants may elect to terminate this Agreement by so notifying Class Counsel and the
18 Court, not less than ten days (10) prior to the date set for the Fairness Hearing.
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20 14. The defendants will pay all funds due under this agreement (not already paid e.g. class
21 administration expenses as agreed above) within 45 days of the order approving the final
22 fairness of the class settlement. The payment of the award of attorney fees will be due at
23 the later of 45 days after the final fairness order is entered or ten days after the order of the
24 court awarding reasonable attorney fees and costs.
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1 15. The proposed class members shall opt out on or before September 8, 2010. Motions to
2 intervene shall be filed on or before September 8, 2010. Objection to the proposed
3 settlement shall be filed with the Clerk on or before September 15, 2010. The Final
4 Fairness Hearing will be conducted before the Hon. Judge Pechman, in her courtroom, on
5 October 1, 2010, at 9:00 a.m.
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7 Dated this the 30th day of June, 2010.

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10 Marsha J. Pechman
11 United States District Judge
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17 Presented by

18
19 ***Michael D. Kinkley P.S.***

20 s/Michael D. Kinkley
21 Michael D. Kinkley
22 WSBA # 11624
23 Attorney for Plaintiff
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